

Deposition of Sergeant Sean Adams

Christopher Bush & David Bush V S.C Adams, et al.

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	<p>1 Q Okay. Do you have any evidence that 2 Mr. Bush represented she had been served? 3 A That she had been served? 4 Q Sure. Had been served with the custody 5 notice? 6 A No. I have no indication that she had 7 been served with the custody notice. 8 Q And do you know whether or not the 9 jurisdiction they're referring to is personal 10 jurisdiction or is subject matter jurisdiction? 11 MR. SIMOPOULOS: Objection to form. Lack 12 of foundation. 13 BY MR. PURICELLI: 14 Q Do you know the difference between 15 personal jurisdiction and subject matter 16 jurisdiction of a court? 17 A I don't know the entire difference. 18 Q Okay. If I represent to you -- and your 19 attorney can correct me. It's standard law. 20 Subject matter jurisdiction means the Court can hear 21 the matter. In this case, a custody matter. 22 Personal jurisdiction means the Court can hear that 23 matter and make a decision over the person meaning 24 that they have control. They can actually compel a 25 person to do something. Make them obey the order.</p>	<p>1 granted. That's what it says. 2 Q Right. So why did you use the word 3 fraudulent? 4 A Perhaps I should have said inappropriately 5 obtained. 6 Q Okay. So we're at the point now that 7 Mr. Bush didn't obtain it fraudulently. He 8 inappropriately went to Luzerne County and obtained 9 this order; correct? 10 A And then represented it to me as being 11 official and appropriately granted. 12 Q He told you this was appropriately 13 granted? 14 A That's how it was presented to me. 15 Q How was it exactly presented to you? 16 A I received it I believe via fax from 17 Mr. Bush's brother, Chris Bush. 18 Q And when you looked at it did it appear to 19 be a valid order? 20 A It appeared to be a valid order. 21 Q Did you confer with the Commonwealth's 22 Attorney with regards to this order that was sent to 23 you? 24 A That was done -- I can't say that I did 25 that. I said that was done prior to giving custody</p>
	<p>1 Now, if your attorney wants to 2 explain it a different way or accept that as -- 3 MR. SIMOPOULOS: No. I'm just going to 4 object to the question. 5 MR. PURICELLI: Okay. 6 BY MR. PURICELLI: 7 Q Do you know which of the two this Court's 8 referring to? 9 A Does it say on here? 10 Q You're relying on that to make a 11 representation. I'm trying to find out why you 12 believe it's fraudulent. You've identified a 13 sentence now and I want to know why you think the 14 Court's saying we don't have jurisdiction and it's a 15 fraudulent order? 16 A It was improperly obtained. 17 Q Why was it improperly obtained? Based on 18 your working knowledge. 19 A It says right here that it was vacated 20 because it was inappropriately granted. 21 Q Because why? 22 A And jurisdiction is hereby relinquished. 23 Q The Court never said it was fraudulently 24 issued; correct? 25 A It just said it was inappropriately</p>	<p>1 to Mr. Bush. 2 Q All right. So the order you received 3 through the investigation of Lawson was at least 4 given to the Commonwealth's Attorney for review? 5 A I believe that was done by my detective. 6 Q That's fair. My question simply was based 7 on your belief that the order was sent to the 8 Commonwealth's Attorney for review? 9 A That's my understanding. 10 Q Okay. And subsequent to that 11 understanding it's also your understanding that the 12 Commonwealth's Attorney also believed it to be a 13 valid order? 14 MR. SIMOPOULOS: Objection to form. 15 BY MR. PURICELLI: 16 Q Is that true? 17 MR. SIMOPOULOS: Objection to form. Also 18 as to not testify to what other people 19 believed. 20 BY MR. PURICELLI: 21 Q You were not instructed not to obey the 22 order. Is that fair? You were not instructed by 23 the Commonwealth's Attorney to disregard the 24 Pennsylvania order? 25 A We were instructed to treat it as valid.</p>

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	<p>1 Q Okay. And you weren't aware that that 2 same order was shown to a Virginia Court, and that 3 they issued an order as well? Is that true?</p> <p>4 A Not sure what you're referring to. You're 5 asking me if I knew that was shown to a Virginia 6 Court?</p> <p>7 Q Yes.</p> <p>8 A No. I don't recall. I mean, I don't 9 recall any knowledge of that.</p> <p>10 Q Did you represent to the magistrate that 11 Mr. Bush had procured a fraudulent order?</p> <p>12 A I said it had been inappropriately 13 obtained.</p> <p>14 Q Is that what you told the magistrate?</p> <p>15 A That's what I told -- there was a material 16 misstatement as far as the obtaining of this order.</p> <p>17 Q What material misstatement did you tell 18 the magistrate Mr. Bush had said?</p> <p>19 A It was vacated for being inappropriately 20 obtained and jurisdiction. And the fact that she 21 had not been served I was relying on this vacated 22 order and the information it obtained.</p> <p>23 Q I know you were. But I'm asking what did 24 you tell the magistrate? Did you read him the 25 order?</p>	<p>1 Virginia with his children?</p> <p>2 A Well, when he left I believed he had a 3 valid.</p> <p>4 Q Your point is, it really wasn't; was it?</p> <p>5 Isn't your point to bring the charges, Mr. Adams, at 6 the time he gave that the order really wasn't valid 7 so he didn't have a court order?</p> <p>8 MR. SIMOPOULOS: Objection to form.</p> <p>9 BY MR. PURICELLI:</p> <p>10 Q Or do I have that all wrong? You 11 represented to a magistrate that the order he gave 12 you was no good, put simply. Isn't that true?</p> <p>13 A That it was not good, yes.</p> <p>14 Q All right. So working on that premiss 15 that when he came he didn't really have a good 16 order. He left Virginia with his children; correct?</p> <p>17 A Correct.</p> <p>18 Q And when he left Ms. Bush didn't have a 19 court order either; did she, for custody of the 20 children?</p> <p>21 A I had no knowledge of her having one.</p> <p>22 Q I understand. So when you brought the 23 charges it was for him leaving the state with his 24 children; true?</p> <p>25 MR. SIMOPOULOS: Objection to form.</p>
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	<p>1 A I don't recall. I recall having it with 2 me at the time as part of the case folder, but I 3 don't recall exactly what I told the magistrate at 4 the time. The substance of it was that the custody 5 order was inappropriately obtained and presented as 6 valid.</p> <p>7 Q Okay. So let's assume now that you're 8 faced with a scenario where you have neither parent 9 with an order for custody from any court, who, from 10 your experience and training and policies of the 11 police department, can be charged with kidnapping if 12 they leave the state with their natural children?</p> <p>13 A If they're from another state or they're 14 both Virginia residents?</p> <p>15 Q I don't care if one of them is residing in 16 Pennsylvania, and one of them is residing in 17 Virginia. Neither has a custody order and one 18 leaves the state with their natural children?</p> <p>19 MR. SIMOPOULOS: Objection to form.</p> <p>20 BY MR. PURICELLI:</p> <p>21 Q You can answer the question.</p> <p>22 A Once more time please.</p> <p>23 Q Sure. The fact scenario is based on the 24 representation that neither parent had a valid court 25 order; correct, when Mr. Bush left the state of</p>	<p>1 THE WITNESS: Under false pretenses.</p> <p>2 BY MR. PURICELLI:</p> <p>3 Q What is Virginia law --</p> <p>4 MR. SIMOPOULOS: Objection to form.</p> <p>5 BY MR. PURICELLI:</p> <p>6 Q -- on kidnapping under your understanding?</p> <p>7 MR. SIMOPOULOS: Argumentative.</p> <p>8 THE WITNESS: I would look at the law.</p> <p>9 I'd see what the law says in reference to 10 kidnapping.</p> <p>11 BY MR. PURICELLI:</p> <p>12 Q Is the law written on the warrants that 13 you were relying on?</p> <p>14 MR. SIMOPOULOS: Objection to form.</p> <p>15 Argumentative.</p> <p>16 BY MR. PURICELLI:</p> <p>17 Q You can answer the question.</p> <p>18 A No. The code section is but the law is 19 not.</p> <p>20 Q You were trained in the code sections; 21 weren't you?</p> <p>22 A Yes.</p> <p>23 Q You were trained on kidnapping; weren't 24 you?</p> <p>25 A Yes, I was.</p>

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1 Q All right. Based on your training what's 2 the requirement, what are the elements for 3 kidnapping in the Commonwealth of Virginia? 4 MR. SIMOPOULOS: Objection to form. 5 BY MR. PURICELLI: 6 Q You can answer the question. 7 A Rephrase the question. 8 MR. PURICELLI: I don't think it could be 9 rephrased any simpler. 10 THE WITNESS: It's different for parental 11 abduction. 12 BY MR. PURICELLI: 13 Q Is he charged with parental abduction or 14 kidnapping? 15 A It's 18.2-47. I'd have to look and see 16 what -- 17 Q Do you have a code that you can rely on to 18 find out what it is you charged on? 19 A Yes. It's on there. 20 Q Are you saying you don't know what the 21 elements are? 22 A I don't know the exact verbiage of it. 23 Q What's your best recollection? 24 MR. SIMOPOULOS: I'm going to object to 25 this line of questions, and just for the record	Page 82	1 A I'd have to review the exact code section. 2 Q Well, on the third page of what we've 3 marked Adams 2 there's a Short Offense Description. 4 On this particular document it's called conspiracy. 5 Am I reading that correctly? 6 A Your point -- I'm not that familiar with 7 it. Conspired to. All right. 8 Q Okay. On this particular one it's 18.2-22 9 and 18.2-47. Did I read that correctly? 10 A Yes. 11 Q Okay. So if we look at the front page of 12 Adams 2. 18.2-47 appears on the front page; 13 correct? 14 A Yes. 15 Q And if we read down, Short Offense 16 Description, it says Abduction by parent, Remove 17 from the state; correct? 18 A Right. I see it. 19 Q Okay. I've read that correctly; right? 20 A Correct. 21 Q Is there a difference between the 22 kidnapping statute and abduction by parent? 23 A It should be all part of the same section. 24 It just makes a specific delineation by parent. 25 It's not a felony unless they remove them from the
1 state that my witness is not the Commonwealth's 2 Attorney. 3 MR. PURICELLI: We'll concede that he's 4 not an attorney. 5 MR. SIMOPOULOS: And there's no foundation 6 for these questions. 7 MR. PURICELLI: I won't say that. 8 MR. SIMOPOULOS: Well, that's the 9 objection. 10 MR. PURICELLI: I merely asked his 11 understanding based on his training. And he's 12 already admitted that he has been trained on 13 this section. 14 MR. SIMOPOULOS: You can answer the 15 question. 16 THE WITNESS: And the question was? 17 BY MR. PURICELLI: 18 Q What are the elements to your best 19 recollection for the charge 18.2-47 which I believe 20 is kidnapping in the Commonwealth? 21 MR. SIMOPOULOS: Again. Objection to 22 form. 23 BY MR. PURICELLI: 24 Q Or is that correct? Is it parental 25 abduction?	Page 84	1 state. 2 Q Okay. Based on your training and this 3 statute what would be the elements, constituting in 4 your mind and training, of the crime of abduction by 5 parent, removal from state? What would a person 6 have to do in your mind and training to be charged 7 with that offense? 8 MR. SIMOPOULOS: Objection to form. 9 THE WITNESS: I would have to look at the 10 exact code section, review it, make the 11 determination as to elements of what the person 12 did to see if it fit that criteria and then 13 proceed to the magistrate. 14 BY MR. PURICELLI: 15 Q Are you answering today that you don't 16 know the general elements if not all of them? 17 MR. SIMOPOULOS: Objection to form. You 18 can answer. 19 THE WITNESS: It seems pretty basic to me, 20 but I want to give you the exact correct answer 21 that you're looking for. 22 BY MR. PURICELLI: 23 Q I'll give you the latitude that maybe you 24 don't know all the elements verbatim, but I'm asking 25 your general understanding.

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1	A You have to be a parent of the children.	1	BY MR. PURICELLI:
2	You have to take them out of state. You have	2	Q The question simply is, there's something
3	to have -- it's probably not have permission of the	3	unusual about that file that would be missing
4	other parent or legal right to do so.	4	documents.
5	Q Okay. Let's assume those are the	5	MR. SIMOPOULOS: Objection to form.
6	requirements. What evidence did you have that Ms.	6	That's not a question. What's the question?
7	Bush could come into Virginia with authority from	7	MR. PURICELLI: That is the question.
8	Pennsylvania to bring the kids?	8	MR. SIMOPOULOS: What's the question?
9	A With the authority from Pennsylvania?	9	BY MR. PURICELLI:
10	Q Yes.	10	Q Is there something unusual about this file
11	A I have to look at the other order.	11	that there would be missing documents in it? For
12	Q You're free to look at whatever you need	12	example, it was kept in the basement and nobody
13	to.	13	watched it or nobody put it together properly? Is
14	A (Reviews documents.) I don't recall.	14	there a reason that documents that might have been
15	Q You've gone through your whole file. We	15	in it aren't in it?
16	took a few minutes off the record to allow you to go	16	MR. SIMOPOULOS: Objection to form.
17	through your file to see what authority you had in	17	THE WITNESS: The detective that had the
18	your file from Pennsylvania, meaning a court order	18	case initially has since left.
19	or something, saying Ms. Bush was in the	19	BY MR. PURICELLI:
20	Commonwealth of Virginia with the authority to have	20	Q When you talked to the magistrate to
21	those children. Isn't that true?	21	obtain the warrants did you tell the magistrate that
22	A That she had the authority from	22	Ms. Bush was in Virginia with authority from
23	Pennsylvania to bring the children here and --	23	Pennsylvania to have the children here, or she was
24	Q To bring the children here and reside here	24	here without having obtained authority from
25	with them. You looked through your file for that;	25	Pennsylvania when she left?
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1	isn't that true?	1	MR. SIMOPOULOS: Objection to form.
2	A Right.	2	BY MR. PURICELLI:
3	Q And you were unable to find anything;	3	Q Did you say anything like that?
4	isn't that true?	4	MR. SIMOPOULOS: Objection to form.
5	A I couldn't locate anything.	5	THE WITNESS: I believe what I said was
6	Q Have there been documents lost other than	6	that she was a resident of Virginia with her
7	the ones that you know that you referred to in your	7	three kids enrolled in school here.
8	file, your police file?	8	BY MR. PURICELLI:
9	MR. SIMOPOULOS: Objection to form.	9	Q Did you tell the magistrate that the --
10	Argumentative.	10	MR. SIMOPOULOS: Could you let him finish
11	BY MR. PURICELLI:	11	answering the question, please.
12	Q You can answer that.	12	MR. PURICELLI: I thought he was. Okay.
13	A Obviously, I don't know what's been lost	13	MR. SIMOPOULOS: No. Let him finish
14	but.	14	answering the question. Thank you. Please
15	Q Are documents routinely lost that are in	15	continue answering.
16	police files in the Richmond City Police Department?	16	THE WITNESS: And that she had lived here
17	MR. SIMOPOULOS: Objection to form.	17	from quite some time, approximately a year.
18	BY MR. PURICELLI:	18	And that was basically it as far as her
19	Q I'm sure you're going to tell me no or	19	residency, her being here in Virginia.
20	yes, but I want to know if there's something unusual	20	BY MR. PURICELLI:
21	about this file --	21	Q Did you tell the judge she came from
22	MR. SIMOPOULOS: Is there a point?	22	Pennsylvania?
23	MR. PURICELLI: Yes, there is. If you let	23	A Initially, I may have said that their
24	him answer it.	24	relationship originated in Pennsylvania. I don't
25	MR. SIMOPOULOS: What's the question?	25	remember specifically the content, what I said about

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<p>1 that.</p> <p>2 Q I'm sure your attorney does not want you</p> <p>3 guessing. Do you recall saying that?</p> <p>4 A Do I recall saying what?</p> <p>5 Q What you just said. "I may have said."</p> <p>6 A That this, that the whole relationship</p> <p>7 with the children? I can't say that I, you know,</p> <p>8 100 percent of what I told the magistrate in</p> <p>9 reference to that specific issue.</p> <p>10 Q All right. I don't want you to guess.</p> <p>11 You don't have to guess. If you don't recall that's</p> <p>12 fair. I'm sure your attorney doesn't want you to</p> <p>13 guess. I don't want to be going around chasing a</p> <p>14 guess. So if your memory is the best you can do,</p> <p>15 just don't guess.</p> <p>16 All right. Now, when one parent has</p> <p>17 no court order and neither does the other parent and</p> <p>18 it's their children, and one parent lives in</p> <p>19 Pennsylvania, and one parent lives in Virginia who</p> <p>20 cares how long, how does your police department</p> <p>21 under policy handle the situation when a parent</p> <p>22 comes down here, picks up his children and leaves?</p> <p>23 A Well, we don't remove them from the</p> <p>24 custody of one parent and give custody of children</p> <p>25 to another parent absent some sort of legal reason</p>	Page 90	<p>1 MR. SIMOPOULOS: I'm going to object to</p> <p>2 the form of this question. We're not</p> <p>3 referencing any particular policy.</p> <p>4 MR. PURICELLI: Fine.</p> <p>5 BY MR. PURICELLI:</p> <p>6 Q Does the police department have a policy</p> <p>7 or procedure in handling domestic matters where one</p> <p>8 parent doesn't have a custody agreement and neither</p> <p>9 does the other and one picks up the children and</p> <p>10 leaves the state?</p> <p>11 A Leaves the state? That's different. I</p> <p>12 mean, with -- I'd have to look up the exact elements</p> <p>13 of the crime of parental abduction again.</p> <p>14 Q I'm asking about a policy. Not a crime.</p> <p>15 A A policy cannot permit a crime so our</p> <p>16 policy would be in line with the law.</p> <p>17 Q Okay. So if I understand you correctly</p> <p>18 the policy says in a situation like that if it</p> <p>19 constitutes a crime you charge?</p> <p>20 A Yes. If it constitutes a crime we enforce</p> <p>21 the law.</p> <p>22 Q Okay. And is it your understanding that</p> <p>23 it's a crime in Virginia for one parent who has</p> <p>24 children here that's left from another state,</p> <p>25 relocated from Virginia, has no court order for</p>	
<p>1 to.</p> <p>2 Q Okay. The police don't get involved in</p> <p>3 that. In this case we know they did. Assume you</p> <p>4 guys didn't do that. He simply just went and picked</p> <p>5 up his kids and went to Pennsylvania. How would you</p> <p>6 handle that?</p> <p>7 A That's not what happened here. You're</p> <p>8 asking me what would have happened?</p> <p>9 Q Yes. Under your policy what would you</p> <p>10 have done?</p> <p>11 MR. SIMOPOULOS: Objection. Calls for</p> <p>12 speculation. Not relevant. I can go on and</p> <p>13 on, but if you can answer the question go</p> <p>14 ahead.</p> <p>15 BY MR. PURICELLI:</p> <p>16 Q And just so you know, I'm asking based on</p> <p>17 your policy not on what --</p> <p>18 MR. SIMOPOULOS: Which policy are you</p> <p>19 referring to?</p> <p>20 MR. PURICELLI: The police department</p> <p>21 policy.</p> <p>22 MR. SIMOPOULOS: Well, there are many</p> <p>23 policies.</p> <p>24 MR. PURICELLI: In handling a situation</p> <p>25 like this.</p>	Page 92	<p>1 bringing the children into Virginia or gives the</p> <p>2 parent custody exclusive or otherwise, but another</p> <p>3 parent coming in and picking up their children to</p> <p>4 return them from where they were removed is a crime?</p> <p>5 MR. SIMOPOULOS: Objection to form.</p> <p>6 BY MR. PURICELLI:</p> <p>7 Q You can answer it if you understand.</p> <p>8 A I mean, that's the part I don't exactly</p> <p>9 understand because they don't initially leave.</p> <p>10 Usually, we're on the front end of those type of</p> <p>11 disagreements where one parent wants to come in and</p> <p>12 take the children, and the other parent wants them</p> <p>13 to stay. So they stay where they're at. And if</p> <p>14 they leave with the consent of the other parent then</p> <p>15 they're stuck with going to the other state where</p> <p>16 the parent is. If they overstay some sort of verbal</p> <p>17 agreement then we refer them to the appropriate</p> <p>18 jurisdiction.</p> <p>19 Q When all these facts are surrounding did</p> <p>20 you know Serene and the children were from</p> <p>21 Pennsylvania before they came here to Virginia?</p> <p>22 A I believe I was told by the detective in</p> <p>23 Pennsylvania that they had left the state of</p> <p>24 Pennsylvania.</p> <p>25 Q To be clear, did you do anything before</p>	

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<p>1 you got your warrants to find out that Serene was in 2 Virginia with the kids under the authority of a 3 Pennsylvania law? In other words, she was here with 4 the kids lawfully?</p> <p>5 A I didn't have any reason to believe 6 otherwise so I can't --</p> <p>7 Q You didn't have a court order from 8 Pennsylvania that said she had the right to have the 9 children; did you?</p> <p>10 A No. I believe what I had was the -- which 11 order did I have. (Reviews documents.) I believe 12 the one that was faxed to me was the only one that I 13 had at the time that decision was made.</p> <p>14 Q That was the one vacating the prior one 15 you determined was inappropriately issued?</p> <p>16 A The initial one. (Reviews documents.) 17 Yes. The initial one dated the 23rd of June which 18 was later vacated.</p> <p>19 Q So can we agree by the time it was issued 20 and you went and sought warrants that caused the 21 arrest of Mr. Bush you had not determined whether 22 Ms. Bush had lawful custody of the children when she 23 entered Virginia?</p> <p>24 A She had custody at the time that I did 25 that.</p>	<p>1 Q At the time Mr. Bush is leaving Virginia 2 with his children?</p> <p>3 A At the time he was leaving Virginia with 4 his children the only one I had was the one dated 5 the 23rd of June that was later vacated.</p> <p>6 Q And you concluded that really wasn't a 7 good one because it was vacated; right?</p> <p>8 A Eventually.</p> <p>9 Q Right. So would I be correct that you 10 viewed that not a lawful basis to remove the 11 children because the order was really no good?</p> <p>12 A I don't understand the question.</p> <p>13 Q I'm trying to rephrase it. I understand 14 that order was vacated, and we've discussed that it 15 was a jurisdictional issue; correct?</p> <p>16 MR. SIMOPOULOS: Again, objection to form. 17 I don't know if he gave any conclusions 18 regarding the jurisdictional issue.</p> <p>19 MR. PURICELLI: Well, if he didn't, I'll 20 clarify. I don't mean to put words in his 21 mouth. Just trying to get past the question so 22 he understands it.</p> <p>23 BY MR. PURICELLI: 24 Q As it turned out, on hindsight if you 25 will, you don't believe the order that Mr. Bush</p>
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<p>1 Q Did you have any agreement that she was 2 able to provide to you that --</p> <p>3 MR. SIMOPOULOS: Objection.</p> <p>4 BY MR. PURICELLI: 5 Q -- Mr. Bush had entered into saying she 6 could live in Virginia with the children?</p> <p>7 MR. SIMOPOULOS: Objection to form. 8 Rephrase that question.</p> <p>9 BY MR. PURICELLI: 10 Q Did you have any agreement between 11 Mr. Bush and Ms. Bush about the custody of the kids?</p> <p>12 MR. SIMOPOULOS: Agreement between 13 Mr. Bush and Ms. Bush?</p> <p>14 MR. PURICELLI: Yes.</p> <p>15 MR. SIMOPOULOS: Oh. I didn't understand.</p> <p>16 THE WITNESS: I don't believe so.</p> <p>17 BY MR. PURICELLI: 18 Q And my understanding of your policy is if 19 there's not one of those, there should be a court 20 order; correct, that you guys look to?</p> <p>21 A We refer to instructions from the Court, 22 yes.</p> <p>23 Q All right. And you didn't have one of 24 those either; correct?</p> <p>25 A At which time?</p>	<p>1 presented was good, valid law or something to that 2 effect; is that true?</p> <p>3 A It was vacated and determined to be 4 invalid.</p> <p>5 Q Okay. And all I'm saying is, having 6 hindsight, if you'd had that knowledge when the 7 children were turned over and he was leaving 8 Virginia if you knew it was no good, okay, the 9 premiss would have been he didn't have an order. 10 She didn't have an order; correct?</p> <p>11 A Correct.</p> <p>12 Q He didn't have an agreement. She didn't a 13 have an agreement; correct?</p> <p>14 A Correct.</p> <p>15 Q In that situation you also knew that you 16 had nothing that said she came to Virginia with the 17 kids with any authority or consent from Pennsylvania 18 to move here with them or his consent; correct?</p> <p>19 A That's correct.</p> <p>20 Q All right. In that factual scenario his 21 leaving Virginia with his children -- and there's no 22 dispute they were his children; correct?</p> <p>23 A No dispute as to that; no, sir.</p> <p>24 Q You're faced with those facts. Those 25 facts. In your mind based on the procedures in the</p>